

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:11-CV-211-D

JERRY L. PACE, SR., Administrator )  
of the Estate of Jerry L. Pace, Jr., )  
Plaintiff, )  
v. )  
STEVE SMITH, individually and in his )  
capacity as former Chief of Police of the )  
City of Williamston Police Department, )  
North Carolina, et al., )  
Defendants. )

**ORDER**

On February 24, 2012, defendants filed a motion to dismiss for failure to state a claim [D.E. 13], along with a supporting memorandum [D.E. 14]. On March 23, 2012, plaintiff responded in opposition [D.E. 24]. On the same day, plaintiff filed a motion to dismiss defendants' counterclaim for failure to state a claim [D.E. 26]. On April 13, 2012, defendants responded in opposition [D.E. 30]. The court has reviewed the plaintiff's complaint and defendants' counterclaim in light of the governing standard. See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 677–84 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007); Coleman v. Md. Ct. of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd, 132 S. Ct. 1327 (2012); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008); Goodman v. Praxair, Inc., 494 F.3d 458, 464–65 (4th Cir. 2007) (en banc). The motions to dismiss [D.E. 13, 26] are DENIED.

SO ORDERED. This 21 day of June 2012.

  
JAMES C. DEVER III  
Chief United States District Judge